

At her surgeon's recommendation, in March 1993 claimant consulted her family physician, Dr. V. Carlos Palmeri, regarding her blood pressure. Dr. Palmeri prescribed medication which brought it under control. Claimant continues on blood pressure medication to this day and contends she is presently off work due to her hypertension.

At the preliminary hearing, claimant presented medical notes and records from Dr. Palmeri. In his most recent letter dated May 24, 1996, Dr. Palmeri writes:

"As I mentioned in the letter dated 02-20-96, to Boddington and Brown, Chtd, Ms. Crowe had an increase in her blood pressure following her injury at work, in September 1992. This condition was found when the patient was going to have surgery on 03-13-93."

"It is not unusual that a stressfull [sic] event produces the beginning of a hypertensive illness. If the blood pressure was going to increase anyway, it is difficult to establish, but in any case there is a cause-effect, as it appears to be the case with Ms. Crowe. I should mention that before this episode, Ms. Crowe always had normal blood pressure and had no family history of hypertension."

Uncontradicted evidence which is not improbable or unreasonable cannot be disregarded unless it is shown to be untrustworthy, and should ordinarily be regarded as conclusive. Demars v. Rickel Manufacturing Corporation, 223 Kan. 374, 573 P.2d 1036 (1978), Anderson v. Kinsley Sand & Gravel, Inc., 221 Kan. 191, 558 P.2d 146 (1976).

Based upon the only medical opinion contained in the record, the Appeals Board finds that it is more probably true than not true that claimant's hypertensive illness is directly related to her accident at work. Therefore, based upon the present status of the record, claimant is entitled to medical treatment under the Workers Compensation Act for that condition.

Based upon the above finding, this proceeding should be remanded to the Administrative Law Judge to adjudicate the remaining issues surrounding claimant's request for benefits.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that, based upon the present evidentiary record and for preliminary hearing purposes, claimant's hypertension is directly related to her work-related accident and that claimant is entitled to receive medical benefits under the Workers Compensation Act for its treatment. Therefore, the May 29, 1996 Order of the Administrative Law Judge is reversed and remanded to the Administrative Law Judge to determine the remaining issues regarding claimant's request for preliminary hearing benefits. The Appeals Board does not retain jurisdiction over this proceeding.

IT IS SO ORDERED.

Dated this ____ day of August 1996.

BOARD MEMBER

c: Kip A. Kubin, Overland Park, KS
Stephen P. Doherty, Kansas City, KS
Alvin E. Witwer, Administrative Law Judge
Philip S. Harness, Director